

STATE OF NEW HAMPSHIRE

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Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals II
445 12th Street, S.W.
Washington, D.C. 20554

CC DOCKET 96-98

Common Carrier Bureau
Network Service Division
Office of the Chief

Re: Public Notice Nos. DA-99-461, DA-99-462, DA-99-638; NSD File Nos. L-99-19, L-99-21, and L-99-27; In the Matter of Petitions for Additional Delegated Authority to Implement Number Conservation Measures filed by the Massachusetts Department of Telecommunications and Energy, the New York State Department of Public Service, and the Maine Public Utilities Commission

Dear Secretary Salas:

Enclosed for filing in the above referenced matters please find one original and nine copies of the New Hampshire Public Utilities Commission's Comments concerning the Petitions for Additional Delegated Authority to Implement Number Conservation Measures in the states of Massachusetts, New York, and Maine, respectively. Please be kind enough to date stamp one copy and return it to us in the enclosed envelope.

Sincerely,

A handwritten signature in cursive script, reading "E. Barclay Jackson".

E. Barclay Jackson, Esq.

Encl.

CC: Al McCloud, Sr. Paralegal Specialist
Network Services Division
2000 M. Street N.W., Room 235
Washington, D.C. 20554

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

In the Matter of)	
)	
Massachusetts Department of)	
Telecommunications and Energy's)	
Petition for Waiver of Section 52.19 to)	NSD File No. L-99-19
Implement Various Area Code)	Public Notice No. DA-99-461
Conservation Methods in the 508, 617,)	
781, and 978 Area Codes)	
)	
New York State Department of Public)	
Service Petition for Additional)	NSD File No. L-99-21
Delegated Authority to Implement)	Public Notice No. DA-99-462
Number Conservation Measures)	
)	
Maine Public Utilities Commission's)	
Petition for Additional Delegated)	NSD File No. L-99-27
Authority to Implement Number)	Public Notice No. DA-99-638
Conservation Measures)	
)	
Implementation of the Local)	
Competition Provisions of the)	CC Docket No. 96-98
Telecommunications Act of 1996)	

COMMENTS OF THE NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

April 5, 1999

I. Introduction and Background

On February 17, 1999 and February 19, 1999, respectively, the Massachusetts Department of Telecommunications and Energy (MDTE) and the New York State Department of Public Service (NY-D.S.) filed petitions with the Federal Communications Commission (“FCC” or “Commission”) requesting that the Commission grant additional delegated authority to implement a variety of number conservation measures.¹

The New Hampshire Public Utilities Commission (NHPUC) currently faces the prospect of the introduction of a new area code in our state and we are actively seeking to remediate the number exhaust problem by considering a combination of appropriate number conservation measures for which we will seek FCC approval. As such, the NHPUC applauds the efforts of the state regulatory agencies of New York, Massachusetts, and Maine (see *Maine Public Utilities Commission’s Petition for Additional Delegated Authority to Implement Number Conservation Measures*, dated March 17, 1999) who share our concerns about the need for state regulatory agencies to have delegated to them appropriate authority to implement number conservation measures which could forestall the need for, and associated societal costs of, the implementation of a disruptive new area code within our respective jurisdictions.

¹ Massachusetts Department of Telecommunications and Energy’s Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes, dated February 17, 1999 (“MDTE Petition”). New York State Department of Public Service Petition for Additional Delegated Authority to Implement Number Conservation Measures, dated February 19, 1999 (“NY-DPS Petition”).

II. Comments

The NHPUC agrees with the Massachusetts DTE petition's conclusion that, "Whether a given area code conservation method would unreasonably discriminate and unduly inhibit competition in Massachusetts can be best explored by state regulators on the basis of their knowledge of local market conditions." (MDTE Petition, p. 5) The NHPUC further concurs with MDTE that the rulings in the "Pennsylvania Opinion"² serve to severely restrict the authority of state commissions to conserve NXX codes and thereby extend the lives of existing area codes. The NHPUC filed a Petition for Reconsideration of the Pennsylvania Opinion on December 14, 1998, and awaits the FCC's ruling in this matter.

Further, the NHPUC believes that state commissions should be afforded as many number conservation options as possible in order to address the rapid depletion of numbering resources in our states and therefore affirmatively supports the requests of the NYDPS and MDTE to implement a variety of relief methodologies. In brief, the more tools there are in the toolbox, the easier it is to make repairs.

III. Conclusion

As previously stated, the NHPUC supports the instant petitions filed by the state

² Memorandum Opinion and Order, *In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 312, 610, 215, and 717*; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, FCC 98-224, NSD File No. L-97-42, issued September 28, 1998 (published November 16, 1998, Fed. Reg.) ("Pennsylvania Opinion").

agencies requesting additional authority to implement number conservation measures . In addition, the NHPUC believes that timeliness regarding area code policy and associated number conservation implementation is of paramount importance and therefore urges expedited decisionmaking by the Commission regarding the instant petitions, as well as any petitions that may be submitted to the FCC in the future. The NHPUC also urges the FCC to delegate to states the authority to implement as many alternative measures as possible, so that states may tailor their number conservation efforts to rectify the specific causes of area code exhaust in the most effective manner and remain responsive to the unique state-level impacts of these changes. Should the FCC ultimately determine that, for one or more of the options requested, state authority is denied, this should not be allowed to interfere in any way with a timely grant of authority to the state(s) to implement the remaining undisputed number conservation measures.

The NHPUC concludes that the FCC must take immediate action in the various dockets before it concerning number conservation and area code issues to facilitate state commission initiatives to resolve this problem. The combined energies of federal and state regulators could go far in achieving the desired result of a societally optimal resolution to the multiple area code crises taking place across the nation, if artificially erected jurisdictional barriers do not persist in undermining those efforts. Given the clear indication in the Telecommunications Act of 1996 that the FCC may delegate “all or any portion” of the FCC’s jurisdictional authority over number administration³, such barriers need not debilitate the

³ See NY-DPS Petition, p. 1, footnote 1.

process of number conservation. The NHPUC recognizes the FCC's previously expressed interest in working cooperatively with state commissions⁴ and sees the instant petitions as a prime opportunity for the FCC to work with states in such a manner. Therefore, the NHPUC respectfully requests that the Common Carrier Bureau grant the aforementioned requests for additional authority to implement number conservation measures.

⁴See Pennsylvania Opinion at paras. 30-31.
